

United States District Court**for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Richard Allen Counts

Case Number: 0980 2:07CR02066-001

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: January 17, 2008

Original Offense: Distribution of a Controlled Substance, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 100 months
TSR - 48 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Shawn N. Anderson

Date Supervision Commenced: September 13, 2013

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: September 12, 2017

PETITIONING THE COURT**To issue a summons.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1

Standard Condition #9: The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.**Supporting Evidence:** Mr. Counts was pulled over while driving his vehicle on February 6, 2014. During his contact with officers, they determined his passenger was a wanted convicted felon. Mr. Counts did not request permission from this officer to have contact with this individual.

Officers with the Northwest Violent Offender Tasks Force (NWVOTF) were conducting surveillance on a residence, as they had received information there was a wanted person staying in the area. Mr. Counts was observed exiting a residence with another male. The two entered Mr. Counts' vehicle and drove away from the home. Officers stopped Mr. Counts' vehicle and upon contact, officers identified the passenger and knew he was a convicted felon, who was wanted. The passenger had an open bottle of tequila between his feet and admitted to the officers he had taken several shots from the bottle. Mr. Counts was

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found to have a folding knife in his pocket but it did not appear he had been drinking any of the tequila. One of the officers questioned Mr. Counts about any prohibition to having contact with convicted felons, and he told the officer he had no such restriction.

2 **Standard Condition #7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Supporting Evidence: Mr. Counts reported to the U.S. Probation Office on February 7, 2014, as directed. He disclosed he used an illegal substance, methamphetamine, on February 6, 2014. He signed an admission form confirming his use of the substance.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/07/2014

s/Stephen Krous

Stephen Krous
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

February 11, 2014

Date